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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,940	09/25/2003	Sanjay D. Kamat	S. KAMAT 3-5	2055
47394	7590	04/17/2009		
HITT GAINES, PC ALCATEL-LUCENT PO BOX 832570 RICHARDSON, TX 75083			EXAMINER BILGRAMI, ASGHAR H	
			ART UNIT 2443	PAPER NUMBER
			NOTIFICATION DATE 04/17/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@hittgaines.com

Office Action Summary

Application No.

10/670,940

Applicant(s)

KAMAT ET AL.

Examiner

ASGHAR BILGRAMI

Art Unit

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings filed on 9/25/2003 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance. Paragraph 24 points to figure 1 as having alternative routes being shown in broken line but figure 1 does not contain any such description.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1, 8 & 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Newly amended limitations "prior to said alternate route convergence" in claims 1 & 7 and "prior to said route optimization" is in conflict with the applicant disclosure because paragraph.28 of page 11 states the following:

[0028] Having drawn the inference that the domain 150 is unreachable, the route disqualification logic 114 disqualifies all alternative routes to the domain 150. This effectively ends any EBGP process of finding an optimal alternative route to the domain 150 before it even begins.

The above paragraph is disclosing that the External Border Gateway Protocol (EBGP) process does not even occur because the optimal alternative route is identified based on indications which passed through the loopback addresses associated with nodes. Therefore applicant's claims are in conflict with the disclosure and hence, rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelavin et al (U.S.6,393,486) and Feldmann (U.S.Pub No. 2002/0021675 A1).

6. As per claims 1, 8 & 15 Pelavin disclosed a border gateway router, comprising: at least three network interfaces (figure 11 shows at least three or more routers R1 through R6); routing table memory that contains a table of active routes; routing circuitry, coupled to said at least three network interfaces and said routing table memory (col.9, lines 64-67 & col.10, lines 1-32), that routes packets among said at least three network interfaces according to a path vector

routing protocol {**BGP is properly classified as a path vector protocol**} based on addresses contained in said at least three network interfaces and said table of active routes; route optimization circuitry, coupled to said routing table memory, that loads said active routes into said routing table memory based on an analysis of router information base (RIB) data (col.23, lines 53-67 & col.24, lines 1-11, **RIB is also called routing table**); a RIB data receiver, coupled to said route optimization circuitry, that receives RIB data including: an update of an active route to a domain in said network that causes said active route to become a withdrawn route as a result of said active route being lost (col.39, lines 45-67 & col.40, lines 1-29). Although Pelavin did not explicitly disclose an active route to a domain becoming a withdrawn route on an indication based on loopback address associated with the autonomous system through which the said withdrawn route passed, of a reachability of said each of said nodes, , that disqualifies alternative routes to said domain based on said indications. However Pelavin disclosed that assigning loopback addresses to a router {Autonomous System} is a common technique through which a host can connect to the router; an advantage of a loopback address over the address of a physical port, is that a "loopback cannot fail" (col.36, lines 22-43). In the same filed of endeavor Feldmann disclosed an active route to a domain becoming a withdrawn route on an indication based on loopback address associated with the autonomous system through which the said withdrawn route passed, of a reachability of said each of said nodes and route disqualification logic, associated with said RIB data receiver, that disqualifies alternate routes to said domain based on said indication prior to said route optimization (paragaph.36).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated the loopback address functionality as disclosed by Feldmann in the

border gateway router disclosed by Pelvain in order to make the border gateway router more resilient resulting in a more stable and robust router.

7. As per claims 2, 9 & 16 Pelvan-Feldmann disclosed the system as recited in claim 1 wherein said route disqualification logic disqualifies all alternative routes to said domain if all of said nodes are indicated as reachable (Feldmann, paragraph.36).

8. As per claims 3, 4, 10, 19, 11 & 17 Pelvan-Feldmann disclosed the border gateway router as recited in Claim 15 wherein said route disqualification logic disqualifies alternative routes to said domain that pass through unreachable ones of said autonomous systems (Feldmann, paragraph.36).

9. As per claims 5, 12 & 18 the system as recited in Claim 1 wherein said loopback 2 addresses are distinguishable from ordinary network addresses (Feldmann, paragraph.30).

10. As per claims 6, 13 & 19 the system as recited in Claim 5 wherein said loopback 2 addresses are formed in accordance with a Border Gateway Protocol 3 extension (Feldmann, paragraph.36).

11. As per claims 7, 14 & 20 the system as recited in Claim 5 wherein said loopback 2 addresses are assigned canonically (Feldmann, paragraph.24).

Response to Arguments

12. Applicant's arguments filed 1/29/2009 have been fully considered but they are not persuasive.

13. Applicant argued that the prior art fails to disclose the amended claims.

14. As to applicant's argument examiner has addressed the newly amended limitations in the office action above.

Additionally loopback addressees are well known and widely used for node management purposes because they are always up. Applicant's claims are merely describing in general how an optimum route is determined from acquiring RIB data of the connected nodes.

Finally examiner advises the applicant to narrow the claim language by incorporating more details regarding the "loopback address(s)", the "RIB data" and "update message" in determining path/route determination in light of applicant's disclosure to further the prosecution of this case in a positive direction.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Lee (U.S. 6,985,959 B1) disclosed constraint route dissemination using distributed route exchanges.

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASGHAR BILGRAMI whose telephone number is (571)272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L.M. Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. B./
Examiner, Art Unit 2443

/Tonia LM Dollinger/
Supervisory Patent Examiner, Art Unit 2443